

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**MOJO MOBILITY INC.,**

**Plaintiff,**

**vs.**

**SAMSUNG ELECTRONICS CO., LTD.;  
SAMSUNG ELECTRONICS AMERICA,  
INC.,**

**Defendant.**

**Civil Action No. 2:22-CV-00398-  
JRG-RSP**

**JURY TRIAL**

**NOTICE OF CONFLICT WITH TRIAL DATE**

Plaintiff Mojo Mobility Inc. hereby gives this Court notice of a potential scheduling conflict with the current trial date in this case of August 16, 2024.

1. In October 2022, Mojo filed its complaint in this case. In March 2023, this Court entered a docket control order setting trial for August 5, 2024. *See* ECF No. 27.
2. On July 16, 2024, this Court reset trial for August 16, 2024 (text-only entry).
3. The new trial date in this case poses a potential scheduling conflict for Mojo's trial team and one of Mojo's expert witnesses—
  - a. Much of Mojo's trial team also represents the plaintiff in *SEVEN Networks LLC v. Motorola Mobility LLC*, No. 3:21-CV-01036-N (N.D. Tex.), before Chief Judge Godbey.
  - b. *SEVEN* is set for trial on August 12, 2024. That trial date has been set since February 26, 2024. *See SEVEN*, ECF No. 243. The court has advised the parties that *SEVEN* is the only trial set that day and is expected to proceed.

- c. *SEVEN* involves patent-infringement and breach-of-contract claims. While Judge Godbey has not yet advised the parties how many hours he will allow for trial, it is currently expected that the *SEVEN* trial will last at least one week, meaning that it would conflict with the trial of this case.
- d. The following members of Mojo's trial team are also members of the *SEVEN* trial team: Jennifer Truelove, Kevin Burgess, Chris McNett, and Charles Fowler.
- e. One particularly difficult conflict to resolve is that Jennifer Truelove is currently slated to participate in closing argument in *SEVEN* and voir dire in this case.
- f. In addition, Mojo's damages expert in this case, Jim Bergman, is also serving as SEVEN's damages expert in the *SEVEN* trial.

4. On July 17, 2024, the day after this Court entered an order resetting the trial of this case, Mojo's counsel (Jennifer Truelove) advised this Court by email of this potential conflict.

5. The final pretrial conference in *SEVEN* is set for August 7, 2024.

///

///

6. Provided that, following the pretrial conference in *SEVEN*, it still appears that the trial of that case will start the following week on August 12, Mojo expects to move for a short continuance of the trial date in this case to accommodate the scheduling conflict.

Dated: August 2, 2024

Respectfully submitted,

Samuel F. Baxter  
Texas State Bar No. 1938000  
sbaxter@McKoolSmith.com  
Jennifer Truelove  
Texas State Bar No. 24012906  
jtruelove@McKoolSmith.com  
Kevin Burgess  
Texas State Bar No. 24006927  
kburgess@mckoolsmith.com  
MCKOOL SMITH, P.C.  
104 E. Houston Street, Suite 300  
Marshall, Texas 75670  
Phone: (903) 923-9000  
Fax: (903) 923-9099

Christopher P. McNett  
cmcnett@McKoolSmith.com  
MCKOOL SMITH, P.C.  
1999 K Street NW, Suite 600  
Washington, D.C. 20006  
Phone: (202) 370-8300  
Fax: (202) 370-8344

/s/ Steven J. Pollinger  
Steven J. Pollinger  
Texas State Bar No. 24011919  
spollinger@McKoolSmith.com  
Charles E. Fowler, Jr.  
Texas State Bar No. 24083014  
cfowler@McKoolSmith.com  
George T. Fishback, Jr.  
Texas State Bar No. 24120823  
gfishback@McKoolSmith.com  
Kenneth M. Scott  
Texas State Bar No. 24137497  
kscott@mckoolsmith.com  
MCKOOL SMITH, P.C.  
303 Colorado Street, Suite 2100  
Austin, Texas 78701  
Phone: (512) 692-8700  
Fax: (512) 692-8744

Ryan McBeth  
Texas State Bar No. 24078955  
rmcbeth@mckoolsmith.com  
Archis "Neil" Ozarkar  
Texas State Bar. 24079096  
nozarkar@mckoolsmith.com  
MCKOOL SMITH, P.C.  
600 Travis St., Suite 7000  
Houston, Texas 77002  
Phone: (713) 485-7300  
Fax: (713) 485-7344

Attorneys for Plaintiff Mojo Mobility Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via email on August 2, 2024.

/s/ Steven J. Pollinger

Steven J. Pollinger